

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-10167

National Casualty Company

v.

First State Insurance Company

CLERK'S CERTIFICATE

I, Tony Anastas, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 3/18/05.

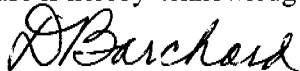
In testimony whereof, I hereunto set my hand and affix the seal of this Court on April 5, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 4/5/05



Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10167-MLW**

National Casualty Company v. First State
Insurance Group
Assigned to: Judge Mark L. Wolf
Cause: 09:0010 Petition to Vacate Arbitration
Award

Date Filed: 01/26/2004
Jury Demand: None
Nature of Suit: 890 Other
Statutory Actions
Jurisdiction: Federal Question

Petitioner

National Casualty Company represented by **Natasha C. Lisman**
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& Cohen
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V.

Respondent

First State Insurance Group represented by **Lloyd A. Gura**
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Date Filed	#	Docket Text
01/26/2004	1	PETITION TO VACATE ARBITRAL ORDER AND ENJOIN FURTHER ARBITRAL PROCEEDINGS, OR, IN THE ALTERNATIVE, REMAND against First State Insurance Group Filing fee: \$ 150, receipt









		number 53373, filed by National Casualty Company. (Smith3, Dianne) (Entered: 02/02/2004)
01/26/2004	●2	MOTION to Seal Document [1] PETITION TO VACATE by National Casualty Company.(Smith3, Dianne) (Entered: 02/02/2004)
01/26/2004	●	Summons Issued as to First State Insurance Group. (Smith3, Dianne) (Entered: 02/02/2004)
01/26/2004	●	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Smith3, Dianne) (Entered: 02/02/2004)
02/02/2004	●3	MOTION for Leave to Appear Pro Hac Vice by Todd A. Bakal Filing fee \$ 100.00, receipt number 53522. by First State Insurance Group.(Smith3, Dianne) (Entered: 02/11/2004)
02/02/2004	●5	MOTION for Leave to Appear Pro Hac Vice by Lloyd A. Gura Filing fee \$ 100.00, receipt number 53522. by First State Insurance Group.(Smith3, Dianne) (Entered: 02/11/2004)
02/02/2004	●6	Certificate of Good Standing re [5] MOTION for Leave to Appear Pro Hac Vice by Lloyd A. Gura Filing fee \$ 100.00, receipt number 53522. by First State Insurance Group. (Smith3, Dianne) (Entered: 02/11/2004)
02/02/2004	●7	NOTICE of Appearance by Thomas M. Elcock on behalf of First State Insurance Group (Smith3, Dianne) Modified on 2/18/2004 (Entered: 02/11/2004)
02/02/2004	●8	NOTICE of Appearance by Mitchell S. King on behalf of First State Insurance Group (Smith3, Dianne) (Entered: 02/11/2004)
02/11/2004	●4	Certificate of Good Standing re [3] MOTION for Leave to Appear Pro Hac Vice by Todd A. Bakal Filing fee \$ 100.00, receipt number 53522. by First

		State Insurance Group. (Smith3, Dianne) (Entered: 02/11/2004)
02/13/2004	●	Judge Mark L. Wolf : electronic ORDER entered granting [3] Motion for Leave to Appear Pro Hac Vice Added Todd A. Bakal for First State Insurance Group, entered...cc/cl (Catino3, Theresa) (Entered: 02/18/2004)
02/13/2004	●	Judge Mark L. Wolf : electronic ORDER entered granting [5] Motion for Leave to Appear Pro Hac Vice Added Lloyd A. Gura for First State Insurance Group, entered...cc/cl (Catino3, Theresa) (Entered: 02/18/2004)
02/17/2004	●9	MOTION for Order dismissing National Casualty Company's Petition to Vacate Arbitral Order by First State Insurance Group.(Smith3, Dianne) (Entered: 02/24/2004)
02/17/2004	●10	MEMORANDUM in Support re 9 MOTION for Order to dismissing National Casualty Company's Petition to Vacate Arbitral Order filed by First State Insurance Group. (Smith3, Dianne) (Entered: 02/24/2004)
02/25/2004	●12	Letter/request (non-motion) from Prince Lobel, Glovsky & Tye, LLP. (Smith3, Dianne) (Entered: 03/12/2004)
03/02/2004	●11	Opposition re 9 MOTION for Order to dismissing National Casualty Company's Petition to Vacate Arbitral Order filed by National Casualty Company. (Smith3, Dianne) (Entered: 03/04/2004)
03/05/2004	●	SUMMONS Returned Executed First State Insurance Group served on 1/26/2004, answer due 2/16/2004. (Smith3, Dianne) (Entered: 03/05/2004)
03/31/2004	●14	ASSENTED TO MOTION for Extension of Time to April 1, 2004 to File Response/Reply Opposition to Respondent's motion for sanctions by National

		Casualty Company. c/s(Catino3, Theresa) (Entered: 04/07/2004)
04/01/2004	●13	MOTION for Leave to File by National Casualty Company.(Smith3, Dianne) (Entered: 04/06/2004)
04/08/2004	●15	Withdrawal of motion: <u>14</u> MOTION for Extension of Time to April 1, 2004 to File Response/Reply filed by National Casualty Company.. (Smith3, Dianne) (Entered: 04/13/2004)
04/14/2004	●16	Letter/request (non-motion)request for hearing from First State Insurance Group. (Smith3, Dianne) (Entered: 04/15/2004)
04/14/2004	●17	MOTION for Sanctions by First State Insurance Group.(Smith3, Dianne) (Entered: 04/15/2004)
04/15/2004	●18	MEMORANDUM in Support re [17] MOTION for Sanctions filed by First State Insurance Group. (Smith3, Dianne) (Entered: 04/15/2004)
04/15/2004	●19	MEMORANDUM in Opposition re [13] MOTION for Leave to File filed by First State Insurance Group. (Smith3, Dianne) (Entered: 04/15/2004)
04/27/2004	●20	MOTION for Leave to File reply by National Casualty Company.(Smith3, Dianne) (Entered: 04/28/2004)
04/27/2004	●21	MEMORANDUM OF LAW by National Casualty Company to [20] MOTION for Leave to File. (Smith3, Dianne) (Entered: 04/28/2004)
04/27/2004	●22	Opposition re [17] MOTION for Sanctions filed by National Casualty Company. (Smith3, Dianne) (Entered: 04/28/2004)
05/07/2004	●23	MOTION for Leave to File by First State Insurance Group.(Smith3, Dianne) (Entered: 05/12/2004)
06/04/2004	●24	MOTION for Leave to File by National Casualty Company.(Smith3, Dianne) (Entered: 06/09/2004)

08/30/2004	●25	Judge Mark L. Wolf : ORDER entered denying [2] Motion to Seal Document, granting [13] Motion for Leave to File (Smith3, Dianne) (Entered: 08/31/2004)
08/30/2004	●	Set Deadlines as to [17] MOTION for Sanctions, 9 MOTION for Order to dismissing National Casualty Company's Petition to Vacate Arbitral Order. Motion Hearing set for 12/15/2004 03:00 PM before Judge Mark L. Wolf. (Smith3, Dianne) (Entered: 08/31/2004)
09/24/2004	●26	MOTION to Strike [25] Order on Motion to Seal Document, Order on Motion for Leave to File by First State Insurance Group.(Smith3, Dianne) (Entered: 09/27/2004)
09/24/2004	●27	MEMORANDUM in Support re [26] MOTION to Strike [25] Order on Motion to Seal Document, Order on Motion for Leave to File filed by First State Insurance Group. (Smith3, Dianne) (Entered: 09/27/2004)
09/24/2004	●28	MOTION for Order to dismiss National Casualty's petition to vacate arbitral order by First State Insurance Group.(Smith3, Dianne) (Entered: 09/27/2004)
09/24/2004	●29	MEMORANDUM in Support re [28] MOTION for Order to dismiss National Casualty's petition to vacate arbitral order filed by First State Insurance Group. (Smith3, Dianne) (Entered: 09/27/2004)
10/05/2004	●30	Opposition re [26] MOTION to Strike [25] Order on Motion to Seal Document, Order on Motion for Leave to File filed by National Casualty Company. (Smith3, Dianne) (Entered: 10/08/2004)
10/08/2004	●31	MOTION to Dismiss by First State Insurance Group. (Smith3, Dianne) (Entered: 10/13/2004)
10/08/2004	●32	MEMORANDUM in Support re 31 MOTION to

		Dismiss filed by First State Insurance Group. (Smith3, Dianne) (Entered: 10/13/2004)
10/08/2004	<u>33</u>	MOTION to Confirm the final arbitration award dated March 12, 2004 by First State Insurance Group. (Smith3, Dianne) (Entered: 10/13/2004)
10/08/2004	<u>34</u>	MEMORANDUM in Support re <u>33</u> MOTION Confirm the final arbitration award dated March 12, 2004 filed by First State Insurance Group. (Smith3, Dianne) (Entered: 10/13/2004)
10/08/2004	<u>35</u>	MOTION for Leave to File by First State Insurance Group.(Smith3, Dianne) (Entered: 10/13/2004)
10/08/2004	<u>36</u>	REPLY to Response to Motion re [26] MOTION to Strike [25] Order on Motion to Seal Document, Order on Motion for Leave to File filed by First State Insurance Group. (Smith3, Dianne) (Entered: 10/13/2004)
10/29/2004	<u>37</u>	Judge Mark L. Wolf : ORDER entered re [2] MOTION to Seal Document [1] Complaint filed by National Casualty Company. 1. With the consent of the National Casualty, defendant First State Insurance Group?s Privilege Log and the deposition testimony of William Wigmanich are temporarily placed under seal.2. The parties shall, by November 8, 2004, file for the public record redacted versions of all submissions referring to the Privilege Log or to the deposition testimony of William Wigmanich.(O'Leary, Dennis) (Entered: 11/03/2004)
11/05/2004	<u>38</u>	Opposition re <u>31</u> MOTION to Dismiss <i>Amended Petition</i> filed by National Casualty Company. (Lisman, Natasha) (Entered: 11/05/2004)
11/08/2004	<u>39</u>	MOTION for Order Dismissing National Casualty Company's Petition to Vacate Arbitral Order by First State Insurance Group, FILED, c/s.(Boyce, Kathy) (Entered: 11/10/2004)

11/19/2004		REPLY to Response to Motion re 31 MOTION to Dismiss filed by First State Insurance Group, FILED, c/s. (Boyce, Kathy) (Entered: 11/23/2004)
12/06/2004		MOTION for Leave to Appear Pro Hac Vice by Sanjit Shah Filing fee \$ 50.00, receipt number 60552. by First State Insurance Group.(O'Leary, Dennis) (Entered: 12/08/2004)
12/07/2004		Judge Mark L. Wolf : ORDER entered establishing filing deadlines and the hearing scheduled for December 15, 2004 is RESCHEDULED for February 17, 2005, at 3:00 p.m.(O'Leary, Dennis) (Entered: 12/07/2004)
12/08/2004		Certificate of Good Standing re 42 MOTION for Leave to Appear Pro Hac Vice by Sanjit Shah Filing fee \$ 50.00, receipt number 60552. by First State Insurance Group. (O'Leary, Dennis) (Entered: 12/08/2004)
12/08/2004		Judge Mark L. Wolf : Electronic ORDER entered granting 42 Motion for Leave to Appear Pro Hac Vice Added Sanjit Shah for First State Insurance Group (O'Leary, Dennis) (Entered: 12/08/2004)
12/13/2004		Letter to Judge Wolf from Natasha C. Lisman, Esq. in response to Order dated 12/13/04 advising that the National Casualty does not intend to argue that you should review the portion of its Amended Complaint arising under 9 U.S.C. Sec. 10 (a)(1) and (3) as a complaint, FILED. (Boyce, Kathy) (Entered: 12/16/2004)
01/14/2005		MOTION to Vacate - <i>Petitioner's Supplemental Memorandum in Support of Its Motion To Vacate</i> by National Casualty Company.(Lisman, Natasha) (Entered: 01/14/2005)
01/14/2005		AFFIDAVIT in Support of <i>Petitioner's Supplemental Memorandum in Support of Petition to Vacate.</i>

		(Lisman, Natasha) (Entered: 01/14/2005)
01/28/2005	<u>47</u>	MOTION for Order to impound and seal confidential material pursuant to local rule 7.2 by First State Insurance Group.(Elcock, Thomas) (Entered: 01/28/2005)
01/28/2005	<u>48</u>	Response by First State Insurance Group <i>Memorandum Of Law In Opposition To Plaintiff National Casualty Company's Supplemental Submission.</i> (Elcock, Thomas) Additional attachment (s) added on 2/3/2005 (O'Leary, Dennis). (Entered: 01/28/2005)
01/28/2005	<u>49</u>	DECLARATION <i>Of Lloyd A. Gura</i> by First State Insurance Group. (Attachments: # <u>1</u> Exhibit #1 Letter and #2 Hearing Transcript)(Elcock, Thomas) (Entered: 01/28/2005)
02/11/2005	<u>50</u>	MOTION for Leave to File <i>Reply Brief</i> by National Casualty Company.(Lisman, Natasha) (Entered: 02/11/2005)
02/11/2005	<u>51</u>	REPLY to Response to Motion re <u>45</u> MOTION to Vacate - <i>Petitioner's Supplemental Memorandum in Support of Its Motion To Vacate</i> filed by National Casualty Company. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Lisman, Natasha) (Entered: 02/11/2005)
02/17/2005	<u>52</u>	Clerk's Notes for proceedings held before Judge Mark L. Wolf : Motion Hearing held on 2/17/2005 re <u>31</u> MOTION to Dismiss filed by First State Insurance Group,, [17] MOTION for Sanctions filed by First State Insurance Group,. (Court Reporter Killian.) (O'Leary, Dennis) (Entered: 02/18/2005)
02/17/2005	<u>54</u>	Letter dated 2/14/05 to Judge Wolf from Natasha C. Lisman referring to the Court the opinion in Michigan Mutual Ins. Co. v. Unigard Security Ins Co., 44 F3d 826 (9th Cir. 1995), FILED. (Boyce, Kathy) (Entered: 02/24/2005)

02/18/2005	<u>53</u>	Judge Mark L. Wolf : ORDER entered granting <u>31</u> Motion to Dismiss, granting <u>33</u> Motion Affirmation of Arbitration Award, granting <u>47</u> Motion for Order, denying [17] Motion for Sanctions (O'Leary, Dennis) (Entered: 02/18/2005)
03/03/2005	<u>55</u>	Letter/request (non-motion) from Susan A. Hartnett, Esquire to <i>The Honorable Mark L. Wolf</i> . (Hartnett, Susan) Modified on 3/9/2005 - unsigned version. Signed letter re-submitted as Document No. 56(Boyce, Kathy). (Entered: 03/03/2005)
03/03/2005	<u>56</u>	Letter/request (non-motion) from Susan A. Hartnett, Esquire to <i>The Honorable Mark L. Wolf</i> . (Hartnett, Susan) (Entered: 03/03/2005)
03/18/2005	<u>57</u>	TRANSCRIPT of Motion to Dismiss Amended Petition and Motion for Sanctions held on February 17, 2005 before Judge Wolf. Court Reporter: Shelly M. Killian. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-7117 or the Clerk's Office. (Scalfani, Deborah) (Entered: 03/18/2005)
03/18/2005	<u>58</u>	NOTICE OF APPEAL as to <u>53</u> Order on Motion to Dismiss, Order on Motion for Miscellaneous Relief, Order on Motion for Order, Order on Motion for Sanctions by National Casualty Company. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 4/7/2005. (Boyce, Kathy) (Entered: 03/22/2005)